v. *Eldredge*, 56 Ohio St. 87, 46 N. E. 638. "Commencement" of an action is a term of art in the law of procedure, and consequently the question of when an action based upon an amended pleading is commenced, is governed by the Iowa law. *Bank of United States* v. *Donnally, supra.* Once admitting the propriety of deciding this question by the *lex fori*, the substantive law of Illinois as to limitation is in no way violated, since the action is begun within the year. Therefore the decision of the principal case seems correct.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — SERVICE UPON A CORPORATION OUTSIDE OF STATE. — Under a statute in South Dakota, providing for service of process upon corporations, in an action for damages for breach of contract to convey land, service was made on the defendant, a domestic corporation of South Dakota, by delivery of summons and complaint at the Iowa residence of the treasurer, the other officers of the corporation having resigned. *Held*, that the service was due process of law to support a default judgment. *Straub* v. *Lyman Land & Investment Co.*, 141 N. W. 979, S. C. 138 N. W. 957 (S. D.).

Interpreting the statute as authorizing service "within or without" the state in such a case, the court argues that a domestic corporation is always resident and within the jurisdiction of the state. Hence service of process amounts to a mere notice of an action to give an opportunity to defend the same. Any reasonable means of notification may be authorized, since there is no attempt to cite into court any individual outside of the court's jurisdiction. The conclusion of the court, however, may be reached in a less involved way. Corporations are artificial units created by legislative act. Any state may prescribe its own terms for admitting foreign corporations within its territorial limits. *Philadelphia Fire Association* v. *New York*, 119 U. S. 110; *Pembina Mining Co.* v. *Pennsylvania*, 125 U. S. 181. By statute the powers and control of domestic corporations may be revised by subsequent legislation. And a reasonable method of service may therefore be established by the state as a term of the continued existence of a domestic corporation. Now provisions for service upon a corporation are in substance provisions for substituted service. Hence service by publication or by mailing a copy of summons to the office of the corporation has been upheld as reasonable. *Clearwater Merc. Co.* v. *Roberts, etc. Shoe Co.*, 51 Fla. 176, 40 So. 436; *Nelson* v. *C. B. & A. R. Co.*, 225 Ill. 197, 80 N. E. 109. Consequently the power of the state should extend to providing such reasonable procedure for creatures of its own legislature, as was provided in the principal case.

CONSTITUTIONAL LAW — PRIVILEGES AND IMMUNITIES: CLASS LEGISLATION — CITIES CLASSIFIED FOR PURPOSES OF ELECTION LAW. — The Pennsylvania constitution prohibited "local or special" legislation regulating the holding of elections. A statute provided for the government of cities having less than a given population by a commission to be chosen by a special process of non-partisan election. *Held*, that the statute is constitutional. *Commonwealth ex rel. Jackson* v. *Corl*, 61 Pitts. Leg. J. 513 (Pa. C. P.); *Commonwealth ex rel. Kessler* v. *Moore*, 61 Pitts. Leg. J. 481 (Pa. C. P.). *Contra, Commonwealth ex rel. Vannatta* v. *Fayette County Commissioners*, 61 Pitts. Leg. J. 465 (Pa. C. P.).

A law is general if it applies one rule to all like cases: it is local or special only if it treats differently cases between which there is no "substantial distinction having a reference to the subject matter" of the law. See *State ex rel. Richards* v. *Hammer*, 42 N. J. L. 435, 440; *People ex rel. Davis* v. *Nellis*, 249 Ill. 12, 23, 94 N. E. 165, 170. What are substantial distinctions between cases justifying different legal results can be determined only by the judgment born of experience. A court, confronted with this question, can do no more

than decide whether, in the light of its judicial knowledge, the distinction drawn by the statute seems reasonable. No rational ground suggests itself for confining non-partisan elections to cities of any particular size, as such. *Wanser* v. *Hoos*, 60 N. J. L. 482, 38 Atl. 449. But *cf. State ex rel. Crow* v. *Fleming*, 147 Mo. 1, 44 S. W. 758; *Ladd* v. *Holmes*, 40 Ore. 167, 66 Pac. 714. But population furnishes a basis for differences in organization. Hence commission government may be confined to cities of a certain size. *State ex rel. Hunt* v. *Tausick*, 64 Wash. 69, 116 Pac. 651. Since commission government requires non-partisan officers more imperatively than does the bicameral system, it would seem that non-partisan elections in commission-governed cities may coexist with partisan elections in cities differently organized consistently with the constitutional requirement of uniformity. If so, the present statute should be sustained.

CORPORATIONS — TORTS AND CRIMES — CRIMINAL LIABILITY OF CORPORATION — CRIMINAL ACT OF AGENT FORBIDDEN BUT WITHIN SCOPE OF AUTHORITY. — The defendant's agent aided in the sale of liquor, contrary to the U. S. PENAL CODE, § 239. This was within the scope of the agent's authority, but was forbidden by the defendant's regulations. The jury were charged that the defendants were criminally responsible for such acts. *Held*, that the instruction was wrong. *John Gund Brewing Co.* v. *United States*, 204 Fed. 17.

There is a tendency at present to hold a corporation criminally liable even where *mens rea* is required. See 20 HARV. L. REV. 321; 22 HARV. L. REV. 537. While courts may have been loath to impose the stigma of criminality on an individual for the fault of his agent, no such considerations apply to corporations where a conviction can result only in a fine.

CRIMINAL LAW — PLEAS — WITHDRAWAL OF PLEA OF GUILTY. — The defendants in a criminal prosecution were induced to plead guilty, by the representation of the prosecuting attorney that the court would impose a light sentence. A heavy sentence, however, being imposed, the defendants moved for permission to withdraw the plea and plead not guilty. The trial court denied the motion. *Held*, that the sentence be vacated and the defendants permitted to withdraw the plea. *Griffin* v. *State*, 77 S. E. (Ga.) 1080.

The plea of guilty, being a confession in open court and a waiver of trial, has always been received with great caution. The court must see that the defendant thoroughly understands the situation and acts voluntarily before receiving it. *Gardner* v. *People*, 106 Ill. 76; *State* v. *Stephens*, 71 Mo. 535. Whenever the accused through ignorance, fraud, or intimidation has been induced to plead guilty he should be permitted to withdraw the plea. *Myers* v. *State*, 115 Ind. 554, 18 N. E. 42; *Swang* v. *State*, 2 Cold. (Tenn.) 212. This may be done at the discretion of the trial court before sentence. *Rex* v. *Plummer* [1902], 2 K. B. 339. In some jurisdictions this right is granted by statute. *State* v. *Kraft*, 10 Ia. 330; *People* v. *Richmond*, 57 Mich. 339, 24 N. W. 124. The same reasons would apply in favor of withdrawing a plea of guilty after sentence, and in America it is generally permitted. *City of Salina* v. *Cooper*, 45 Kan. 12, 25 Pac. 233; *Little* v. *Comm.* 142 Ky. 92, 133 S. W. 1149. *Contra*, *Regina* v. *Sell*, 9 Car. & P. 346. Whether this is so far within the court's discretion as not to be subject to review by an appellate court is a question of local practice. In some jurisdictions such rulings by the lower court are not open to review. *Comm.* v. *Tucker*, 189 Mass. 457, 76 N. E. 127. But judicial discretion is not usually regarded as an arbitrary power. *State* v. *McNally*, 55 Md. 559. Where the circumstances are such as to make the ruling of the lower court in denying the motion a clear abuse of its discretion, the ruling should be subject to review on appeal. *Deloach* v. *State*, 77 Miss. 691, 27 So. 618; *City of Salina* v. *Cooper*, *supra*. See 14 HARV. L. REV. 609.